

Ordinance No.: 17-07
Zoning Text Amendment No.: 11-03
Concerning: Special Exception Standards
– Professional Offices
Draft No. & Date: 2 – 7/12/11
Introduced: April 12, 2011
Public Hearing: June 14, 2011
Adopted: July 19, 2011
Effective: August 8, 2011

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Rice

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the standards for allowing professional non-residential offices near public safety facilities; and
- generally amend the provisions for professional non-residential offices allowed as a special exception.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

<u>Division 59-C-1</u>	<u>“Residential Zones, One-Family”</u>
<u>Section 59-C-1.31</u>	<u>“Land Uses”</u>
Division 59-G-2	“SPECIAL EXCEPTIONS-STANDARDS AND REQUIREMENTS”
Section 59-G-2.38	“Offices, professional, nonresidential”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 11-03, sponsored by Councilmember Rice, was introduced on April 12, 2011.

On June 2, 2011, the Planning Board recommended approval of ZTA 11-03 with a clarifying amendment. The amendment would note in the land use table that non-residential professional offices would be allowed as special exceptions under certain circumstances. Planning Staff noted that the proposed ZTA limited the locations where non-residential offices would be allowed, and thereby protected established neighborhoods from commercial encroachments.

On June 14, 2011, the Council held a public hearing. All of the testimony recommended the approval of ZTA 11-03. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on July 11, 2011 to review the amendment. The Committee (3-0) recommended approval of ZTA 11-03 with the revision recommended by the Planning Board to clarify in the land use table that professional offices would be allowed by special exception in the R-200 zone.

The District Council reviewed Zoning Text Amendment No. 11-03 at a worksession held on July 19, 2011 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 11-03 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 Sec. 1. Division 59-C-1 is amended as follows:

2 * * *

3 **59-C-1.31. Land uses.**

4 No use is allowed except as indicated in the following table:

5 - **Permitted Uses.** Uses designated by the letter "P" are permitted on any lot in
6 the zones indicated, subject to all applicable regulations.

7 - **Special Exception Uses.** Uses designated by the letters "SE" may be authorized
8 as special exceptions under Article 59-G.

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4plex	RMH 200
* * *										
(d) Services.										
Offices, professional, nonresidential. ⁴⁴				<u>SE</u>		SE	SE			
* * *										

9
10 ⁴⁴ If designated as being suitable for nonresidential professional offices in an
11 approved and adopted master or sector plan or classified in the R-90 zone
12 and designated as historic in the Master Plan for Historic Preservation; or
13 classified in the R-200 zone and abuts a fire station, police station,
14 ambulance squad, or rescue squad on more than 1 lot line.

15 * * *

16 Sec. 2. Division 59-G-2 is amended as follows:

17 **DIVISION 59-G-2. SPECIAL EXCEPTIONS-STANDARDS AND**
18 **REQUIREMENTS.**

19 * * *

20 **Sec. 59-G-2.38. Offices, professional, nonresidential.**

21 (a) An existing single-family structure may be used for professional office
22 purposes by any member or members of a recognized profession, such as a
23 doctor, lawyer, architect, accountant, engineer, or veterinarian, but not
24 including the following:

25 [(a)](1) a medical, dental, or veterinarian clinic;

26 [(b)](2) an in-patient treatment facility; or

27 [(c)](3) a general business office, such as an insurance company office,
28 a trade association, a manufacturing company, an investment
29 company, a bank, or a real estate company.

30 (b) The property must ~~[be]~~ satisfy one of the following criteria:

31 [(a)](1) be located in a central business district that is designated as
32 being suitable for the transit station-residential (TS-R) zone on an
33 approved and adopted sector plan;

34 [(b)](2) be designated as suitable for a nonresidential professional office
35 in the R-60 zone on an approved and adopted master or sector plan
36 and located along a highway with an existing right-of-way width of at
37 least 90 feet or along a portion of an arterial road designated as a
38 boundary of a Central Business District; [or]

39 [(c)](3) be located in the R-90 zone and:

40 [(1)](i) A designated as historic in the Master Plan for
41 Historic Preservation;

42 [(2)](ii) B located along a highway with an existing right-of-
43 way of at least 120 feet; and

44 [(3)](iii) C contain a structure formerly used for nonresidential
45 purposes[.]; or

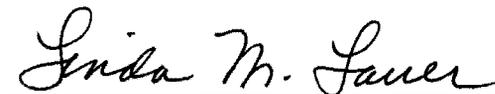
46 (4) be located in the R-200 zone and abut a fire station, police station,
47 ambulance squad, or rescue squad on more than 1 lot line.

- 48 (c) The Board must find that the property:
49 [(a)](1) will not constitute a nuisance because of traffic or physical
50 activity;
51 [(b)](2) will not affect adversely the use and development of adjacent
52 property;
53 [(c)](3) will have at least 25 percent of the lot area devoted to green
54 area.
55 (d) The Board may allow for other than a building designated as historic in the
56 Master Plan of Historic Preservation, the exterior of the premises to be
57 changed, altered, or modified, provided the single-family character and the
58 basic residential appearance of the building are retained. A historic area
59 work permit must be obtained before any work may be done to alter the
60 exterior features of [an] a historic structure.

61 * * *

62 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of
63 Council adoption.

64
65 This is a correct copy of Council action.

66 
67 _____

68 Linda M. Lauer, Clerk of the Council